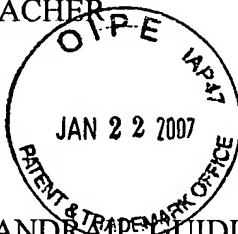


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Herwig MIESSBACHER
Appln. No. : 10/559,537
I.A. Filed : June 4, 2004
For : HANDRAIL, HANDRAIL GUIDING SYSTEM, AND HANDRAIL DRIVE
SYSTEM OF AN ESCALATOR OR MOVING SIDEWALK

Group Art Unit: 3651
Confirmation No: 9141
Examiner: Not yet assigned



INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria VA 22314

Sir:

In accordance with the duty of disclosure under 37 C.F.R. Sections 1.56, 1.97, and 1.98, Applicants hereby submit the following documents for the Examiner's consideration.

(1) German Patent Application No. 198 50 037 published May 12, 1999, which is discussed in the English language translation of the instant application beginning on page 1, paragraph 4. Moreover, for the convenience of the Examiner, Applicant hereby submits an English language abstract of the German Application;

(2) European Patent Application No. 0 528 387 published February 24, 1993, which is discussed in the English language translation of the instant application beginning on page 2, paragraph 2;

The following documents were cited in a Search Report conducted in International Patent Application No. PCT/AT2004/000196, which is a counterpart of the above-captioned application. Applicant notes that a copy of the Search Report has been forwarded to the

Examiner on December 2, 2005, and therefore, a copy will not be submitted herewith. In particular, the International Examiner cited:

(3) U.S. Patent No. 4,134,883 issued January 16, 1979 to MENDELSON et al. cited as an "X" category document (i.e., particular relevance) and as a "Y" category document (i.e., particular relevance; cannot be considered to involve an inventive step when combined with one or more other such documents). The Examiner identified col. 1, lines 20 – 35, col. 2, lines 5 – 10 and table 1 as relevant to claims 1 – 3, 5, 6, 8, 9, 12, 42, 47 and 51 as an "X" category document, and relevant to claims 4, 7, 10, 11, 13 – 15 and 43 as a "Y" category document;

(4) U.S. Patent No. 6,199,678 issued March 13, 2001 to REO cited as an "Y" category document and as an "A" category document (i.e., technological background). The Examiner identified the abstract and figures 5a – 5c, 6a and 6b as relevant to claims 4 and 43 as a "Y" category document, and relevant to claim 1 as an "A" category document;

(5) U.S. Patent No. 1,101,209 issued June 23, 1914 to PITT cited as an "X" category document and as an "Y" category document. The Examiner identified figures 2 – 5 as relevant to claims 21 – 23 as an "X" category document, and as relevant to claim 7 as a "Y" category document;

(6) Japanese Patent Publication No. 03264490 published November 25, 1991 cited as a "Y" category document and as an "A" category document. The Examiner identified the abstract and figs. 2 – 6 as relevant to claims 10 and 11 as a "Y" category document, and as relevant to claim 1 as an "A" category document. Moreover, for the convenience of the Examiner, Applicant hereby submits an English language abstract of the Japanese Publication;

(7) Japanese Patent Publication No. 04032491 published February 4, 1992 cited as a "Y" category document and as an "A" category document. The Examiner identified the abstract

as relevant to claim 13 as a "Y" category document, and as relevant to claim 1 as an "A" category document. Moreover, for the convenience of the Examiner, Applicant hereby submits an English language abstract of the Japanese Publication;

(8) U.S. Patent No. 3,568,813 issued March 9, 1971 to SCHAEFFER et al. cited as a "Y" category document and as an "A" category document. The Examiner identified figure 4 as relevant to claim 14 as a "Y" category document, and as relevant to claim 1 as an "A" category document;

(9) U.S. Patent No. 3,623,590 issued November 30, 1971 to JOHNSON cited as a "Y" category document and as an "A" category document. The Examiner identified figures 1 – 4 as relevant to claims 15 and 26 as a "Y" category document, and as relevant to claim 1 as an "A" category document;

(10) U.K. Patent Specification No. 1 305 935 published February 7, 1973 cited as an "X" category document and as an "Y" category document. The Examiner identified page 3, lines 50 – 60 and page 4, lines 1 – 15 as relevant to claims 16, 17, 20, 44, 45 and 51 as an "X" category document, and as relevant to claims 18 and 19 as an "Y" category document;

(11) U.S. Patent No. 3,048,256 issued August 7, 1962 to SKINNER cited as a "Y" category document and as an "A" category document. The Examiner identified the entire document as relevant to claims 18, 33 and 46 as a "Y" category document, and as relevant to claim 16 as an "A" category document;

(12) German Patent Application No. 299 03 376 published September 2, 1999 cited as a "Y" category document and as an "A" category document. The Examiner identified figures 1 – 3 as relevant to claims 19, 27, 28 and 41 as a "Y" category document, and as relevant to claims 16 and 21 as an "A" category document;

(13) Japanese Patent Publication No. 01048795 published February 23, 1989 cited as an "X" category document and as an "Y" category document. The Examiner identified the abstract and figures 1 – 6 as relevant to claims 21 – 25, 29 – 32, 34 – 40 and 42 – 45 as a "X" category document, and as relevant to claims 26 – 28, 33, 41, 43 and 46 as an "Y" category document. Moreover, for the convenience of the Examiner, Applicant hereby submits an English language abstract of the Japanese Publication;

(14) U.S. Patent No. 4,005,773 issued February 1, 1977 to BOUILLE cited as an "X" category document. The Examiner identified col. 5, lines 25 – 28 as relevant to claims 1 and 47 - 50 as an "X" category document.

Applicant submits herewith a copy of an Official Action conducted in Austrian Application No. 860/2003, which is a counterpart of the above-captioned application. For the convenience of the Examiner, Applicant submits herewith an English language translation of the Office Action. In particular, the Austrian Examiner cited:

(15) German Patent Application No. 28 13 028 published February 15, 1979;

(16) German Patent Application No. 39 21 888 published January 17, 1991. Moreover, for the convenience of the Examiner, Applicant hereby submits an English language abstract of the German Patent Application;

(17) Item (5);

(18) U.S. Patent No. 4,776,446 issued October 11, 1988 to FISHER et al.

Applicant submits herewith a copy of the International Preliminary Report on Patentability (Form PCT/IB/373) conducted in International Patent Application No. PCT/AT2004/000196. For the convenience of the Examiner, Applicant submits herewith an

English language translation of the Form PCT/IB/373. In particular, the International Examiner cited:

- (19) item (3);
- (20) item (10); and
- (21) item (5).

Each of the above-cited documents are listed on the enclosed completed copy of the PTO-1449 Form. Accordingly, the Examiner is requested to consider these documents and to indicate such consideration by returning a signed and initialed copy of the PTO-1449 Form with the first official communication.

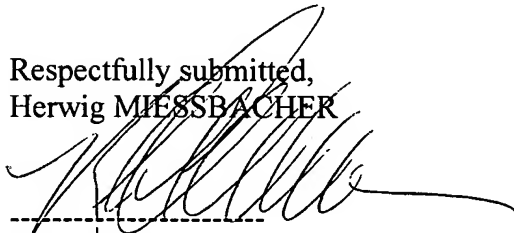
Moreover, copies of the Office Action, International Preliminary Report on Patentability, and of the cited non-U.S. patent documents are being submitted herewith. However, pursuant to the U.S. Patent and Trademark Office's decision to waive the requirement under 37 C.F.R. 1.98 (a)(2)(i), copies of the cited/listed U.S. patents and U.S. published patent applications are not enclosed herewith. Moreover, if any copies are needed, the Examiner is respectfully requested to contact the undersigned.

Applicant notes that while this Information Disclosure Statement is being filed more than three months from the filing date, Applicant has not received a first action on the merits from the U.S. Patent and Trademark Office. Accordingly, consideration of the enclosed document is required under 37 C.F.R. 1.97(b)(3).

However, if the first action on the merit has been mailed prior to the filing date of this Information Disclosure Statement, Applicant hereby authorizes the Commissioner to charge any fees necessary to ensure consideration of the documents cited herein to Deposit Account No. 19-0089.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Herwig MIESSBACHER

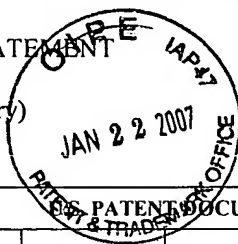


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FORM PTO-1449

U.S. Department of Commerce
Patent and Trademark OfficeAtty. Docket No.
P28913Application No.
10/559,537INFORMATION DISCLOSURE STATEMENT
BY APPLICANT
(Use several sheets if necessary)Applicant
Herwig MIESSBACHERFiling Date
June 4, 2004Group
3651

PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4 1 3 4 8 8 3	01/16/79	MENDELSON et al.			
		6 1 9 9 6 7 8	03/13/01	REO			
		1 1 0 1 2 0 9	06/23/14	R. PITT			
		3 5 6 8 8 1 3	03/09/71	SCHAEFFER et al.			
		3 6 2 3 5 9 0	11/30/71	JOHNSON			
		3 0 4 8 2 5 6	08/07/62	SKINNER			
		4 0 0 5 7 7 3	02/01/77	BOUILLE			
		4 7 7 6 4 4 6	10/11/88	FISHER et al.			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	1	9 8 5 0 0 3 7	05/12/99	GERMANY				
		0 5 2 8 3 8 7	02/24/93	E.P.O				
	0	3 2 6 4 4 9 0	11/25/91	JAPAN				
	64	- 4 8 7 9 5	02/23/89	JAPAN				
		1 3 0 5 9 3 5	02/07/73	UNITED KINGDOM				
	2	9 9 0 3 3 7 6	09/02/99	GERMANY				
	0	1 0 4 8 7 9 5	02/23/89	E.P.O				
		2 8 1 3 0 2 8	02/15/79	GERMANY				
		3 9 2 1 8 8 8	01/17/91	GERMANY				
	1	4 0 3 2 4 9 1	02/23/89	JAPAN				

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

	1	English language Abstract of DE 19850037.
	2	English language Abstract of JP 03264490.
	3	English language Abstract of JP 14032491.
	4	English language Abstract of JP 64-48795.
	5	English language Abstract of DE 3921888.

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.